

Docket No. 87280.1761  
Customer No. 30734

**PATENT**

Applicant respectfully traverses the election requirement. However, to be fully responsive, Applicant hereby elects Group I, claims 1-27 and 35.

(2) The Office Action has additionally required that an election of species be made under 35 U.S.C. § 121 from the following two groups:

Species A: FIGS. 1-6; and

Species B: FIGS. 7-12.

Applicant respectfully traverses the election requirement. However, to be fully responsive to the requirement, Applicant hereby elects the following species:

SPECIES	FIGURES	CLAIMS
A	1-6	1-35

At least claims 1-35 read on species A.

According to the M.P.E.P. § 803, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it may include claims to independent or distinct inventions.

Applicant respectfully submits that the examination of the entire application, including claims 1-35 and FIGS. 1-15, would not be a serious burden on the Examiner. This is particularly so because the Examiner has not provided reasons why the examination of all the species would be a serious burden. Therefore, Applicant respectfully requests that the elections requirement be withdrawn and that all claimed species be examined in this application. If Examiner chooses to maintain the election requirement, however, Applicant expects Examiner, if the elected species is found allowable, to continue to examine the full scope of the elected subject matter to the extent

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necessary to the patentability thereof, i.e., extending the search to a reasonable number of non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. §121.

Furthermore, Applicant has paid a filing fee for an examination of all claims in this application. If the Examiner refuses to examine the claims paid for when this application was filed, applicant must pay duplicative fees to file divisional applications for the non-elected or withdrawn groups of claims.

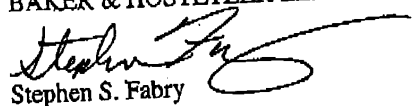
In conclusion, the Examiner has not shown that there would be a serious burden on the Examiner if the restriction was not made.

No fee is due in connection with the submission of this amendment. However, any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account No.

50-2036.

Respectfully submitted,

BAKER & HOSTETTLER LLP

  
Stephen S. Fabry  
Reg. No. 51,661

Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Tel: (202) 861-1500  
Fax: (202) 861-1783  
Date: January 14, 2003

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**FAX COVER SHEET**

Date: July 22, 2003

Client/Matter Number: 87280.1761

Law Number: 5516

**Recipient(s):**

Name	Company	Fax Number	Phone Number
Mr. C.S. Bushey, Examiner	U.S.P.T.O.	703-872-9310	703-308-3581
Mr. C.S. Bushey, Examiner	U.S.P.T.O.		

From: Stephen S. Fabry (202.861.1714)

Re: U.S. Patent Application Serial No. 10/020,957

Pages (Including Cover Sheet): 7

**If this transmission is not complete, please call (202) 861-1789**

**MESSAGE:**

The attached Letter and corresponding true copy of the Response were faxed to Examiner Bushey on July 10, 2003, as indicated by the facsimile verification report.

**This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service. Thank you.**

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AS OF JUL 2003 13:09 PAGE. 01

BAKER &amp; HOSTETLER

JOB #319

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
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Mr. C.S. Bushay, Examiner	U.S.P.T.O.	703-305-7718	703-308-3581

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Re: U.S. Patent Application Serial No. 10/020,957

Pages (including Cover Sheet): 6

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MESSAGE:

JUL 10 2002

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Customer No. 30734

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application No. 10/020,957

Group Art Unit: 3743

Filed: December 19, 2001

Examiner: C.S. BUSHEY

For: COOLING TOWER METHOD AND APPARATUS

LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

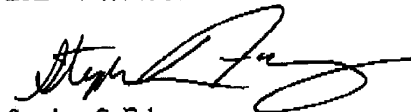
Sir:

During a telephone conversation with Mr. Scott Bushey of the U.S. Patent and Trademark Office ("PTO"), the undersigned was advised that the PTO file does not contain a copy of the Response to Restriction Requirement filed January 14, 2003, in the above-referenced application.

Attached is a true copy of the Response and accompanying papers that were hand filed at the PTO Mail Room on January 14, 2003. Also attached is a true copy of the postcard receipt stamped by the PTO Mail Room evidencing receipt by the PTO Mail Room of the papers on January 14, 2003. Entry and consideration of the January 14, 2003, Response is respectfully requested.

Respectfully submitted,

BAKER &amp; HOSTETLER LLP



Stephen S. Fabry  
Registration No. 51,661

Date: July 10, 2003  
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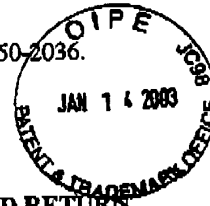
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The U.S. Patent Office acknowledges, and has stamped hereon, the date of receipt of the items checked:

Application No.: 10/020,957 Atty Docket: 87280.1761  
Filed: December 19, 2001 Group Art Unit: 1724  
Applicants: Ohler L. KINNEY, et al. Examiner: C. BUSHEY  
Title: COOLING TOWER METHOD AND APPARATUS

- (x) Response to Restriction Requirement  
(x) Charge any discrepancies to Deposit Account 50-2036.

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01/14/03

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STEPHEN S. FABRY, ESQ.  
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